

Remarks

The meeting with Examiner Thien Tran and Primary Examiner Alexandra Elve on 02 November 2010 is acknowledged with appreciation. The Examiners' summary of the meeting is accurate as to what transpired. The following remarks include comments re issues discussed.

Applicant has amended independent claims 1, 16, and 24 to further clarify the claimed invention.

All of the claims stand rejected under 35 USC §102 and 35 USC §103 based on Chung (U.S. Patent No. 5,549,035) alone and/or based on Chung in view of Hart (U.S. Patent No. 6,089,409), Carpiac (U.S. Patent No. 4,470,999) and/or Lassota (U.S. Patent No. 6,543,335).

Independent claim 1 stands rejected as anticipated by Chung and has been amended to further distinguish the claimed invention from the device and teachings of Chung. Claim 1 as amended is directed to a system in combination with a beverage server comprising a heater, controller, a temperature sensor and timer means for use in controlling the temperature of a beverage retained in the beverage server by providing intermittent pulses of heating to heat the beverage. The "timer means for" is in accordance with 35 U.S.C. 112, sixth paragraph wherein applicant may recite structure in terms of a means plus a function. Applicant describes the timer means for controlling heating of the prepared beverage in the specification, for example,

as described in greater detail throughout this application the warmer 41c can be controllably activated and deactivated (turned on and off) to provide pulses of heat in a variety of selectable patterns over a period of time. The period of time may be defined between brew cycle activations.... (Page 16, line 30 - page 17, line 1.)

Applicant's specification further states

the controller 80 controls the heating element 41 in response to the predetermined time indicated by the freshness timer 76 or otherwise programmed into the controller 80. In this regard, the controller 80 terminates power to the heating element 41 after a preprogrammed or manually determined freshness period has expired. (Page 18, lines 23-25.)

The heating pulses suitable to maintain the beverage at a desired temperature or within a general temperature range are shown in, for example, Fig. 12 and discussed at, for example, page 22 lines 24-32.

Chung stores brewed coffee in container 13 and keeps it in one of the desired temperature ranges shown in Fig. 8 by providing heat to the plate on which container 13 is placed. The plate is controlled to be heated when the temperature dips to the low end of a range and to stop heating at the high end of the range. Chung's heater is not the same and is not an equivalent of the timer means for providing intermittent pulses of heating to heat the beverage of Applicant's claim 1. Chung's heater has no timer and there is no pulsed heating of the beverage as recited in Applicant's disclosure.

Regarding claim 16, Chung's heating does not provide the step of operating the temperature control system to activate and deactivate the heater for controllably providing heat to the beverage retained in the beverage dispenser by providing controlled intermittent timed pulses of heat between brew cycle activations. Chung's heating may (or may not) heat from the low end of a range shown in Fig. 8 to the upper end of the range, but there is no step of providing timed pulses for heating of the beverage as recited in Applicant's claim 16.

Claim 24 is directed to a beverage system comprising a beverage maker, a beverage dispenser including a reservoir with a faucet for dispensing beverage from the reservoir and a temperature control system including a heater controllably activated and deactivated to control the temperature of the beverage retained in the dispenser by providing controlled intermittent timed heating pulses. Chung's beverage container does not have a faucet. Chung's system does not have timed pulses for heating the brewed beverage.

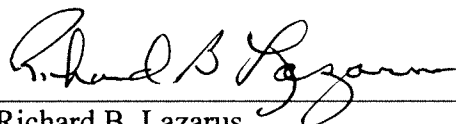
Claim 3 has been added to further define the reservoir as an insulated reservoir. As discussed at the meeting with the examiner Chung's reservoir appears to be coffee pot which is unrelated to the claimed device which is an insulated reservoir.

For all of the above reasons and those submitted in the Response filed 22 September 2010, Applicant respectfully asserts that Chung does not provide each and every element as set forth in the claims as required by 35 USC §102. Additionally, the secondary references were cited for their teaching of locating a heater in a reservoir. As discussed at the meeting, one of ordinary skill in the art would not have modified Chung by placing a heater in his coffee pot (reservoir). Chung's coffee pot is heated by an underlying plate, not by insertion of a heater. The secondary references are not cited for and do not make up for the above-noted deficiencies in Chung.

The Examiner's further and favorable reconsideration of the application is respectfully requested. The Examiner is requested to contact the undersigned at the telephone number set forth below with any questions or concerns.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Richard B. Lazarus", is written over a horizontal line.

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